

**REGULAR MEETING – TOWN OF SHELBY  
4062 SALT WORKS RD., MEDINA, NY  
OCTOBER 12, 2021 7:00PM**

Present: Jeff Smith, Supervisor  
William Bacon, Councilman  
Stephen Seitz Councilman  
John Pratt, Councilman  
Ryan Wilkins, Councilman  
Darlene Rich, Town Clerk  
Bethany Centrone, Esq. Town Attorney  
Dale Root, Highway Superintendent  
Kirk Myhill, Planning Board Chairman  
Miranda Bennett, Bookkeeper  
Claude Grimes, Constable  
Paul Gray, Constable

Excused: Trisha Laszewski, Assessor

Absent: Dan Wolfe, Codes & Zoning Officer

Others:	Bill Eick- County Legislator	Sharlene Pratt
	Ed Zelazny	Mike Rich
	Katy Owczarczak	Mary Zelazny
	Allan Bushover	Les Quackenbush
	Julie Wolter	Helen Root
	Mary Zelazny	

Meeting was called to order at 7:01PM

Pledge to the flag

Public forum regarding agenda items only – no items to add or delete

Highway Report – (Dale Root) –Getting trucks ready for winter. Shared service with the county hauling blacktop and shoulder mix. Talked to them regarding paving the intersection at Salt Works and 31A before the end of the season. Started fall roadside mowing. Town will be done before mid-November. Attended the Annual Highway Superintendents Associations meeting in Saratoga. Had good insightful meetings and great networking among his peers. Continued mowing the fire halls and vaults. Constant stacking of E waste and monitoring water p.p.m. As of September 23<sup>rd</sup>, 1,400,000 gallons of water has been dumped to comply. Finished this year's road work with the grader paver on Fletcher Chapel and Ryan Roads in anticipation of sealing next year. Total number of miles covered is 12.5. Thanks the board for continued funding and commitment to getting roads repaired. Happy to report the flooding issue on West Ave Ext. was studied and a plan implemented. They have cleaned, installed a ditch and placed a culvert under West Ave Ext. A ditch was also cleaned between Family Dollar and NYSEG building. Special thanks to Mr. Mike Hymers for tolerating them on his property. Without his support this project would not have happened. This should make a big difference with the next big rain. Thank you to the board members for being on board with this project. After months of preparation, help from Hannah and Miranda, a map of the Mt. Pleasant Cemetery was displayed. Thanks to the Print Shop for the excellent job on this. He would like to request the passage of a resolution to name the Main Driveway at Mt. Pleasant...Austin Drive.

Assessor Report – (Trisha Laszewski) – Supervisor read report from Trisha. She received one letter for the Board of Assessment Review position. She and Julie continue to work on the 2022 Assessment update while continuing the everyday Assessment work.

Planning Board Report – (Kirk Myhill) –Have looked over plans on the Windmill proposed project on South Gravel Road, and have given the town board recommendations. Dale Watts of Radiators Plus retired and Hunter Sturtevant has taken over. It has a Special Use Permit and will need to take Dales' name off and put Hunter's name on. He plans on running the business same as Dale. State training is a concern. State will not be putting on any training this year. A mandatory training of 4 hours is supposed to be held every year. Don't know how they are going to get the training done.

Code Enforcement / Zoning Board Report – (Dan Wolfe) – absent, no report.

**RESOLUTION 74-21**

RESOLUTION TO APPROVE MINUTES OF THE SEPTEMBER 14, 2021  
TOWN BOARD MEETING

Motion, Wilkins; second, Seitz

Ayes – 5

Opposed – 0

Motion carried

**RESOLUTION 75-21**

RESOLUTION TO APPROVE MINUTES OF THE TOWN BOARD SPECIAL  
MEETING (TOWN CLERK PRESENTED THE 2022 TENTATIVE BUDGET  
TO THE TOWN BOARD) ON OCTOBER 4, 2021

Motion, Seitz; second, Bacon

Ayes – 5

Opposed – 0

Motion carried

**RESOLUTION 76-21**

RESOLUTION TO APPROVE THE TOWN CLERK’S REPORT

Motion, Pratt; second, Seitz

Ayes – 5

Opposed – 0

Motion carried

**RESOLUTION 77-21**

RESOLUTION TO APPROVE THE SUPERVISOR’S REPORT

Motion, Wilkins; second, Pratt

Ayes – 5

Opposed – 0

Motion carried

**RESOLUTION 78-21**

RESOLUTION TO APPROVE PAYMENT OF BILLS

General -	\$ 40,428.51	Highway -	\$ 118,281.36
Water 1 -	\$ 14,189.33	Water 2 -	\$ 2,328.14
Water 3 -	\$ 8,666.95	Water 4A -	\$ 10,590.72
Water 4B -	\$ 8,245.23	Water 5 -	\$ 908.40

Water 6 - \$ 10,049.18  
Water 8 - \$ 4,143.81  
Water 10 - \$ 1,773.52  
Water 12 - \$ 4,140.61

Water 7 - \$ 6,071.94  
Water 9 - \$ 3,539.84  
Water 11 - \$ 5,888.49

Motion, Bacon; second, Seitz

Ayes-5

Opposed – 0

Motion carried

### **RESOLUTION 79-21**

RESOLUTION TO SET PUBLIC HEARING ON MONDAY, OCTOBER 18, 2021 AT 7:00 PM REGARDING OPT OUT DECISION OF THE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4

Motion, Wilkins; second, Seitz

Ayes-5

Opposed – 0

Motion carried

### **RESOLUTION 80-21**

RESOLUTION TO SET ANNUAL 2022 BUDGET HEARING FOR THURSDAY NOVEMBER 4, 2021 AT 7:00 PM

Motion, Bacon; second, Wilkins

Ayes-5

Opposed-0

Motion carried

### **RESOLUTION 81-21**

RESOLUTION POHIBITING THE USE OF TOWN FUNDS FOR THE REPURCHASE OF CEMETERY PLOTS

Whereas, the Town Board of the Town of Shelby assumed ownership of various cemeteries upon the dissolution or abdication of their cemetery boards or other controlling entities; and

Whereas, from time to time, individuals who have purchased plots in Town-own cemeteries ask to re-sell their plots to the Town; and

Whereas, the repurchasing of cemetery plots uses resources of the Town not budgeted for; and

Whereas, the Town Board feels that it is more appropriate for individuals to seek to sell unwanted plots on the private market.

Now therefore, the Town Board of the Town of Shelby hereby prohibits the use of Town funds for the repurchase of cemetery plots.

Motion, Pratt; second, Seitz

Ayes-5

Opposed-0

Motion carried

### **RESOLUTION 82-21**

**RESOLUTION TO NAME THE MAIN DRIVEWAY AT MT. PLEASANT CEMETERY, AUSTIN DRIVE IN COMMERATION OF VERNON AUSTIN'S THIRY YEARS OF SERVICE AS A LOYAL CUSTODIAN OF THE CEMETERY**

Whereas, Vernon Austin was caretaker of the Mt. Pleasant Cemetery; and

Whereas, he was a loyal custodian of the Mt Pleasant Cemetery; and

Whereas, he carried out this job for thirty years.

Now therefore, the Town Board of the Town of Shelby hereby adopts this resolution to name the main driveway Austin Drive at Mt. Pleasant Cemetery.

Motion, Wilkins; second, Bacon

Ayes – 5

Opposed – 0

Motion carried

Board Comments – Councilman Seitz said everything looks good after the pipe was put in on West Ave. Extension. Dale said seeding will be done also. Supervisor said 13 miles of road repair was done instead of the usual 4 miles. He said he was impressed.

Public Comments – Katy Owczarczak asked if the Supervisor and Councilmen have listened to the recording of the verbal abuse on Town Clerk from Councilman Wilkins. Town Attorney said she cannot comment as it is a personnel matter. Mike Rich wanted to know what was the reason that the town attorney could not answer as he is a taxpayer and has a right to know. She responded she was not commenting from the DAIS. Julie Wolter asked is there is enough money in the accounts to cover the bills. She understand the bookkeeper bounced checks from

the town and as a tax payer she is embarrassed as it makes her feel like she is the one that bounced the check. Supervisor Smith said there is money in the account. County Legislator Eick said he had some very disheartening news to share with us. He announced that County Legislator John DeFilipps wife, Donna passed away this morning. John has been with the legislature for 8 years. He also said the east side of Mt. Pleasant Cemetery looks really good. He appreciates the work the new crew is doing. County is working on the budget. Jack Welch said it is looking better. Court house sidewalk is shaping up. Councilman Seitz asked about the bridge on Route 31. Concrete has been poured. He has no idea when it will be opened. Supervisor Smith said he isn't going to be attacked on the bounced check fees. He said things have been put in place so it won't happen again. The person in question has been doing many things to save the town money.

Motion by Councilman Bacon and seconded by Councilman Wilkins to adjourn the town board meeting at 7:17 PM.

Respectfully submitted,

Darlene A. Rich, MMC/RMC  
Town Clerk